

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Mark Messer, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	Case No. 1:22-cv-00438
	:	
v.	:	Judge Timothy S. Black
	:	
Allstate Vehicle and Property	:	
Insurance Company,	:	
	:	
Defendant.	:	

**MOTION OF PLAINTIFFS MARK AND JENNIFER MESSER
TO EXTEND CASE SCHEDULE**

Now comes Plaintiffs Mark and Jennifer Messer, by and through counsel, and hereby requests an extension of the case schedule.

Plaintiffs filed their action against Defendant on June 23, 2022 in Warren County Common Pleas Court. Defendant removed the matter to this Court and filed their Answer on July 28, 2022. [Dkt. 4] An original case schedule was established, and the parties proceeded with discovery. Certain discovery issues arose over the course of the proceedings and Allstate obtained new counsel in the interim. As a result of new counsel appearing and the time associated with resolving the discovery issues, the Court issued a Second Amended Calendar Order on October 30, 2023 [Dkt. 15], which provided for the following:

Primary Experts Due	January 12, 2024
Rebuttal Experts Due	February 29, 2024
Discovery Deadline	March 29, 2024
Dispositive Motion Deadline	May 15, 2024
Final Pretrial	September 9, 2024 at 10:00 a.m.

Jury Trial

September 23, 2024 at 9:00 a.m.

There was one pending issue of discovery pertaining to whether certain documents were privileged at the time of the Second Amended Calendar Order. This issue was resolved by the Court in its Order Following *In Camera* Review on November 28, 2023. [Dkt. 16] Allstate thereafter produced the documents on December 15, 2023.

Due to the late resolution of this issue, the expert deadline passed prior to completion of fact discovery. Upon receipt of the final production of documents, the parties sought to take depositions of various witnesses. Currently the parties have agreed on certain dates to conclude depositions in April and early May. As such, the parties respectfully request that the Case Schedule be amended to conclude discovery and allow experts to provide reports thereafter. That parties also note they have discussed private mediation and agreed on a potential mediator from whom the parties are presently working on coordinating dates to conduct the mediation.

In light of the above, Plaintiffs request that the case schedule be amended as follows:

Discovery Deadline: May 15, 2024

Primary Expert Reports: May 30, 2024

Rebuttal Expert Reports: June 27, 2024

Dispositive Motion Deadline: July 31, 2024

Final Pretrial Conference:

Jury Trial:

Plaintiffs note that while it is desired to maintain the trial schedule it is unclear if such can occur. Plaintiffs recognize and accept if the Court requires the trial date be moved.

Counsel for Plaintiff has communicated with Defendant's counsel regarding this Motion and sought to file same as a Joint Motion. Defendant's counsel was in agreement with extending

the deadlines, but was not available on this date to provide written consent to file same as a Joint Motion; thus, Plaintiffs are filing same as their own Motion given today's discovery cutoff deadline.

Respectfully submitted,

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*Counsel for Plaintiffs, Mark Messer
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CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that the foregoing was filed with the Court's electronic filing system on this 29th day of March, 2024, and that copies of the same were served via the Court's electronic system on the following:

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